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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,164	04/09/2001	Amando B. Isip JR.	063170.6284 (20000151)	8279
5073	7590	08/07/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			TO, BAOQUOC N	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/829,164

Applicant(s)

ISIP, AMANDO B.

Examiner

Baoquoc N. To

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07/10/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/10/2006 has been entered.

Claims 1, 8, 13, 20, 27-28, 31, 38 and 37 are amended in the amendment filed on 07/10/2006. Claims 1-37 are pending in this application.

### ***Claim Rejections - 35 USC § 112***

2. The amendment filed on 07/10/2006 overcomes the 112 rejection.

### ***Response to Arguments***

3. Applicant's arguments filed 07/10/2006 have been fully considered but they are not persuasive.

Applicant argues "Friske does not teach, suggest, or disclose these elements identifying change to the plurality of objects that are made during a reorganization process...for each change, determining whether the change affects an object being reorganized...creating a log file comprising log records, wherein the log records are

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associated with only those changes that are determined to affect an object being reorganized”

The examiner respectfully disagrees with the above argument. As Friske discloses after LRSN's have been assigned, the unloaded target data set is reorganized by the processor 106 and loaded into a shadow location 310 of the storage unit 108 (col. 6, lines 25-27). Furthermore, Friske also discloses “log records are applied to the target data set in the shadow location in task 418 which allows any changes to the original data set which occurred while the reorganization was taking place to be applied to the reorganized target data set” (col. 7, lines 63-67). These passages indicate first the each of the records in the original data set are identified to be changed, the changed are created and logged while the reorganization processed of the target data set in the shadow location. The determination process needs in order for system to acknowledge changes to be logged when each of the modification to the original data set.

Applicant argues “Friske does not teach, suggest, or disclose at least determining whether the particular changes affects an object being organized ..., storing the log record in a first log file recording selected changes only if the particular change is determined to affect an object being reorganized.”

The examiner respectfully disagrees with the above argument. Claim 8 recites similar step as to claim 1 and the examiner explains the reason as set forth. In addition to the explanation, the first log as the applicant claim as the log record recording the changes to the original data set while the reorganization was taking place (col. 7, lines 63-67).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 13-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Friske et al. (US. Patent No. 6,070,170).

Regarding on claims 1, 13, 20, 27, 31 and 37, Friske teaches a method for logging changes that are made during a reorganizing process (a method for reorganizing the database) (col. 4, line 66), comprising:

Reading each record of a source file associated with an object at least one of a plurality of object (the record object which is read before the unload and organized to the shadow location) (col. 6, lines 15-16);

Writing each record to a destination file (col. 6, lines 15-16);

Identifying changes to the plurality of objects that are made during a reorganization process (each of the changes in the original data set is logged) (col. 7, lines 63-67);

For each change, determining whether the change affects an object being reorganized (all changes affecting reorganization process are logged) (col. 6, lines 33-36 and col. 8, lines 63-67);

creating a log file comprising log records, wherein the log records are associated with only those changes that are determined to affect an object being reorganized (these log are created and log all changes during the reorganization process) (col. 6, lines 25-36).

Reading each log record in of the log file (col. 6, lines 33-36);

Processing each record of the log file to effect the associated change to the destination file (col. 6, lines 33-36); and

replacing the source file with the destination file (after updating the target data, the original set is then replaced with the target data set) (col. 6, lines 42-43).

Regarding on claims 2, 14 and 21, Friske teaches the source file is an index file (col. 5, lines 53-56).

Regarding on claims 3, 15 and 22, Friske teaches the source file is a data file (col. 5, lines 40-48).

Regarding on claims 4, 16 and 23, Friske teaches the step of creating a log file is performed in accordance with instruction of a DBMS log routine (DBMS) (col. 6, lines 2-5).

Regarding on claims 5, 17 and 24, Friske teaches the log file contains a subset of all records processed by the RDBMS log routine (col. 6, lines 33-36).

Regarding on claims 6, 18 and 25, Friske teaches the log file records are selected based on a program call establish by reorganization utility (col. 6, lines 25-7).

Regarding on claims 7, 19 and 25, Friske teaches the program call is removed prior termination of the reorganization utility (col. 6, lines 14-20).

Claims 28, 31, and 37 are rejected under the same ground as to claim 1, further more, Friske also discloses establishing a program call to process log records (col. 6, lines 20-25);

Regarding on claims 29, 32 and 35, Friske teaches the source file is an index file (col. 5, lines 53-56).

Regarding on claims 30, 33 and 36, Friske teaches the source file is a data file (col. 5, lines 40-48).

Friske teaches the limitations of claim 34, and further discloses a professor; a memory connected to said processor storing program to control the operation of said processor; the processor operate with the program in the memory to (col. 4, lines 7-26).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friske et al. (US. Patent No. 6,070,170) in view of Lomet et al. (US. Patent No. 5,485,608).

Regarding on claim 8, Friske teaches a method for logging changes by a database management system, comprising:

Identifying changes to a plurality of objects that are made during a reorganization process (all changes made during the reorganization are logged) (col. 6, lines 33-36);

Creating a log record based on a particular change (all changes are logged to the created log) (col. 6, lines 23-36);

Determining whether the particular change affects an object being reorganized (col. 6, lines 33-37);

Storing the log record in the first log file recording selected changes only if the particular change is determined to affect the reorganization process (col. 6, lines 33-40);  
and

Friske does not explicitly teach storing the log record in a second log file if change is not determined to affect the reorganization process. Lomet teaches storing the log record in a second log file regardless of whether the change is determined to affect an object being reorganized as corresponding to different logs for full backup and incremental backups or the purpose of updating (abstract and col. 23, lines 20-25). The purposes of using different log to keep full backup and different version in the certain time interval in order to save time of do update. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Friske's



system to include storing the changes in the full backup log as taught by Lomet in order to provide the system to backup everything including all changes made to the records for restore in the event of system failure.

Regarding on claim 9, Friske teaches the first log file resides in virtual storage (RAM) (col. 5, lines 11-12).

Regarding on claim 10, Friske teaches the first log file resides in dataspace (table space) (col. 5, lines 38-48).

Regarding on claim 11, Friske teaches the first log file resides in hyperspace (col. 1, lines 60-63).

Regarding on claim 12, Friske teaches the first log file resides in DASD (col. 4, lines 40-45).

#### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

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The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) -273-8300 [Official Communication]

BQ To

August 4<sup>th</sup>, 2006



JEAN M. ANGELIS  
PRIMARY EXAMINER